

preferred position." The caller is then directed (Go to Members Menu 851) to the **Members Menu 833** for additional options.

When the caller selected Rate Spoken 812 in the Business Menu 808, the caller is presented with the **Rater Number Entry 852** and hears "Please tell me your Rater number. (Accept Entry) If you are not a BayHits rater yet, register at the BayHits.com web site and start saving." Next, the caller is presented with **Rating Entry 853** and hears "Please rate this business on a scale of one to five, with five being excellent." (Accept Entry), and is requested to confirm the rating in **Rating Confirmation 854** and hears "Thank you. Your score of <number> has been recorded for <business name>. You may rate each business once a month." The caller is then returned to the **Main Menu**.

Note that: (1) in one embodiment of the invention (demonstration software), no verification will be performed to insure that the Rater has only rated a particular business once a month; and (2) Rater Number will be a 5-digit numeric number. —

REMARKS

Applicant submits this Preliminary Amendment in response to a Formalities Letter mailed May 7, 2001 (copy enclosed) requiring Applicant to submit substitute drawings to remove excessive text. (Applicant has responded separately to the Formalities Letter and provided the requisite fees and formal papers.)

Since the Letter did not identify any the particular drawings containing excessive text, applicant has used his own judgement and has identified FIG. 7A-7E as containing excessive text. The remaining drawings contain customary and permissible amounts of text and have not been amended.

This Preliminary Amendment inserts the text that has been removed from the figures into the specification at page 73, line 9, in the context of the flow-chart diagram. Descriptive text not literally present in the figures is inherent in the flow-chart diagram and no new matter has been added.

In the event that the Office believes that other of the figures require modification, Applicant respectfully requests that such figures be identified with particularity and the statutory basis for an amount of text that is excessive be identified.

The Assistant Commissioner is authorized to charge any fees associated with this communication to Deposit Account 06-1300 (Order No. A-69342/RMA).

Respectfully submitted,
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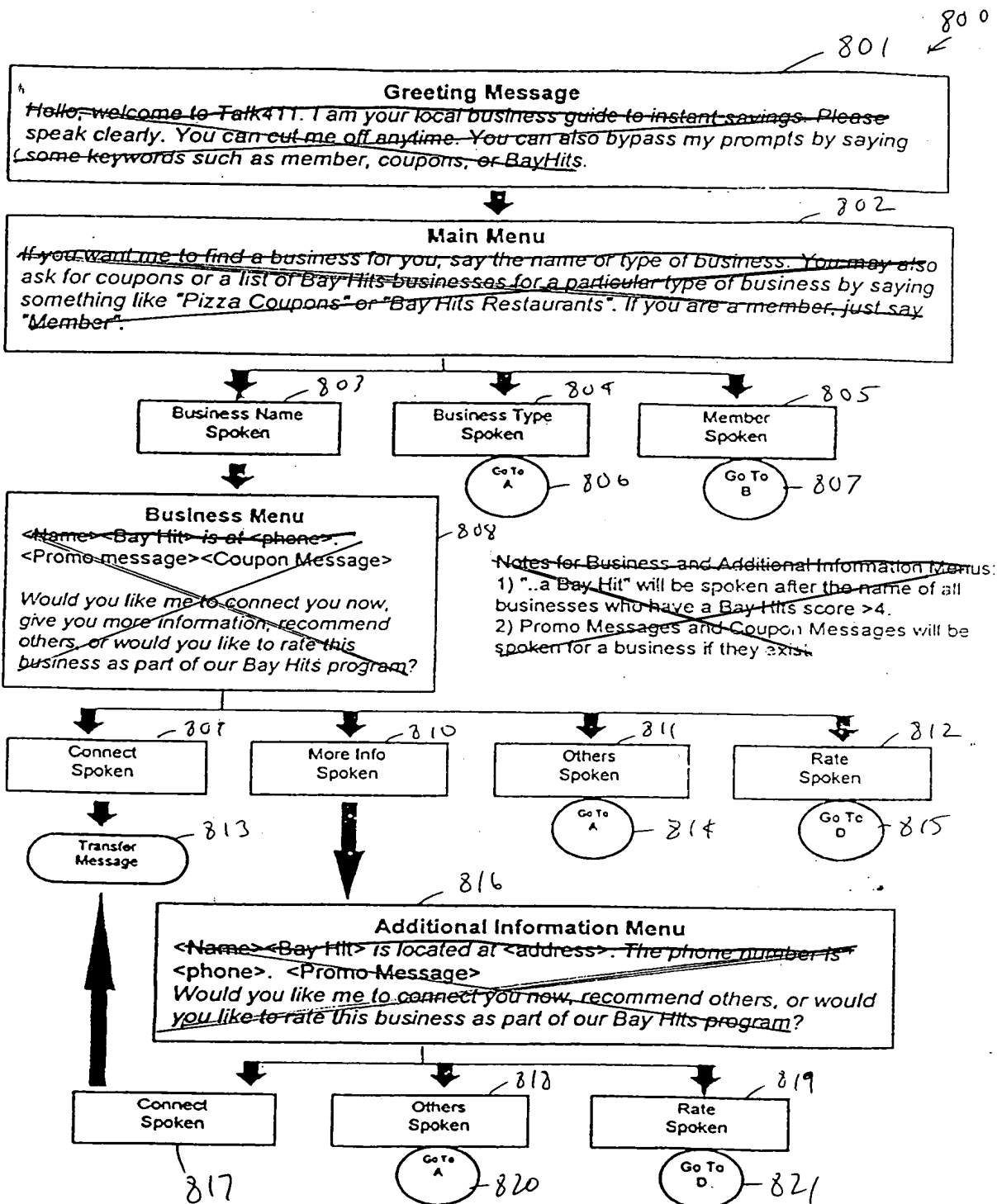
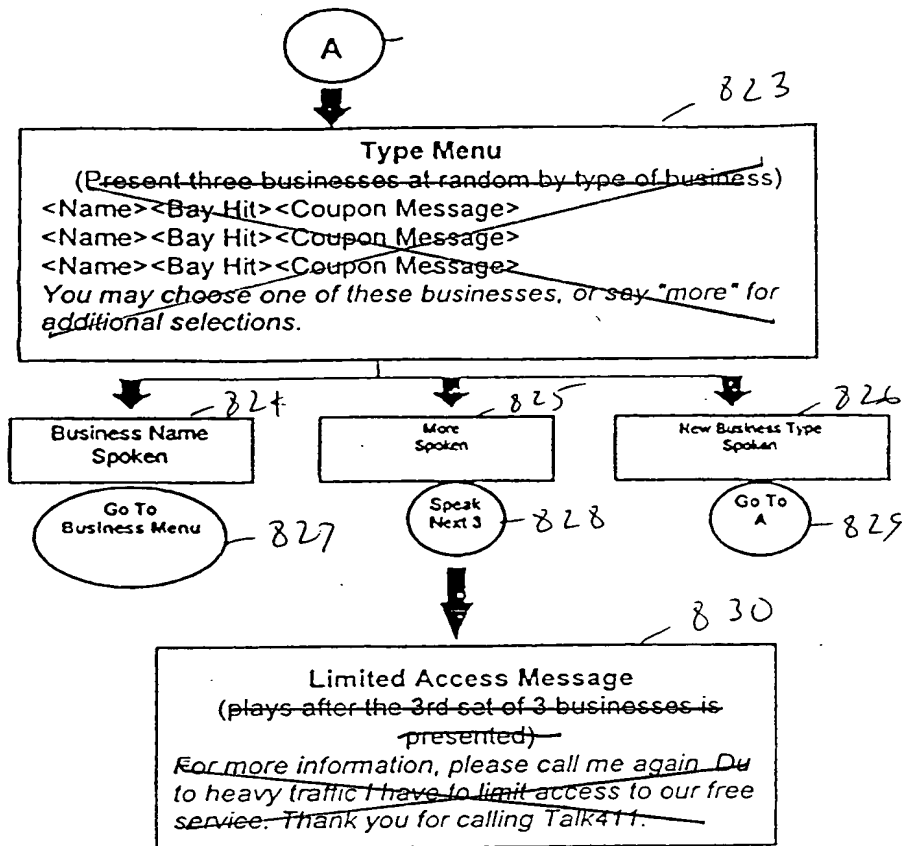


FIG. 7A

Approved On 13 Feb 04



Notes:

- 1) If the caller has selected the modifier "Bay Hits", only businesses with the Bay Hits designation (Bay Hits rating >4) will be presented.
- 2) If the caller has selected the modifier "Coupons", only businesses with Audio Coupons will be presented.
- 3) <Bay Hit>, <Coupon Message> and <Promo Message> are only played if they exist. The demonstration will include a <Promo Message> for each business, but only some businesses will have a <Coupon Message> or be rated highly enough to be a <Bay Hit>.
- 4) A maximum of 9 businesses will be spoken, including the original 3.

FIG. 7B

Accepted-AMR 13 Feb 04

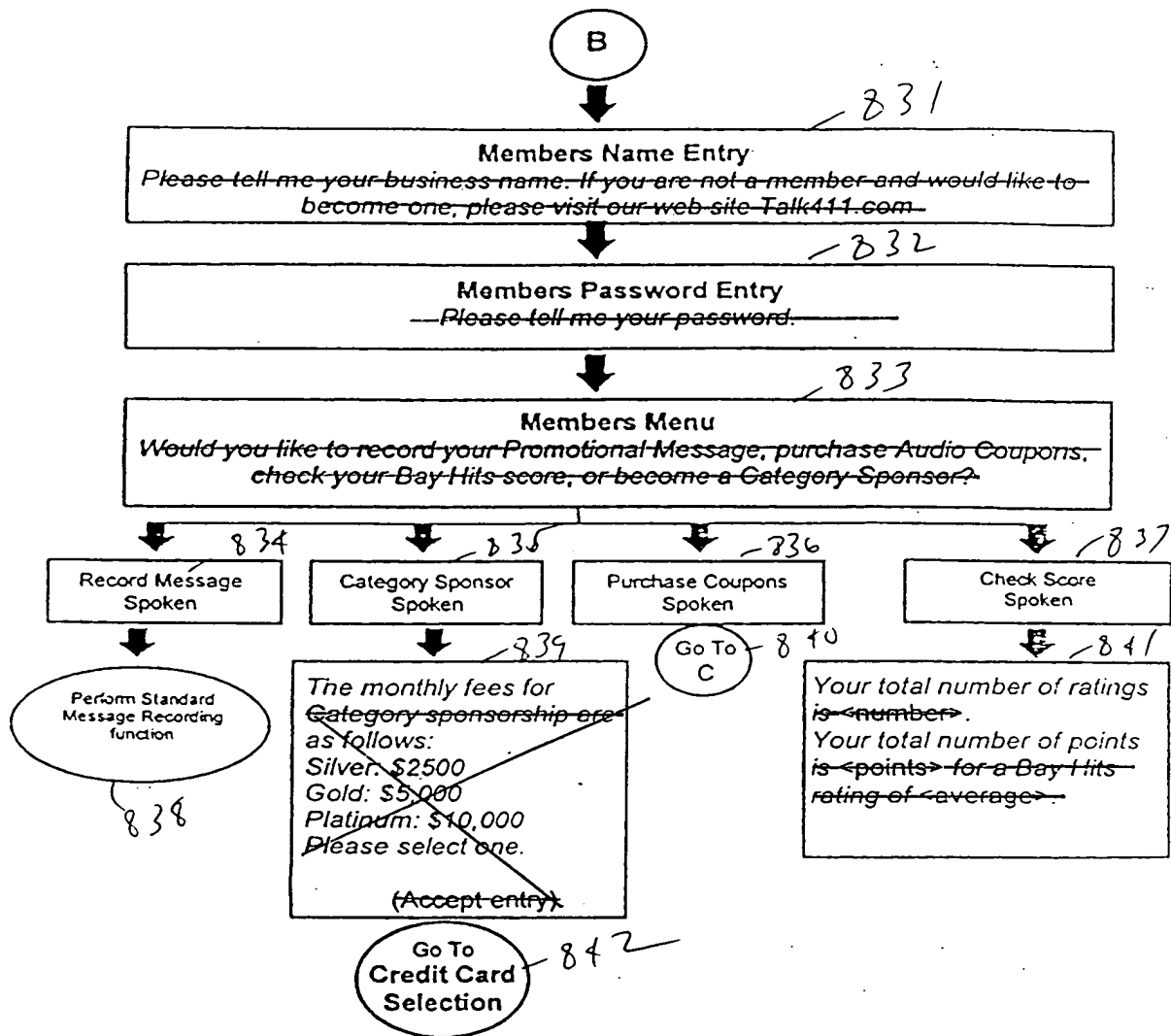


FIG. 7C

Accepted on 1/3/2004

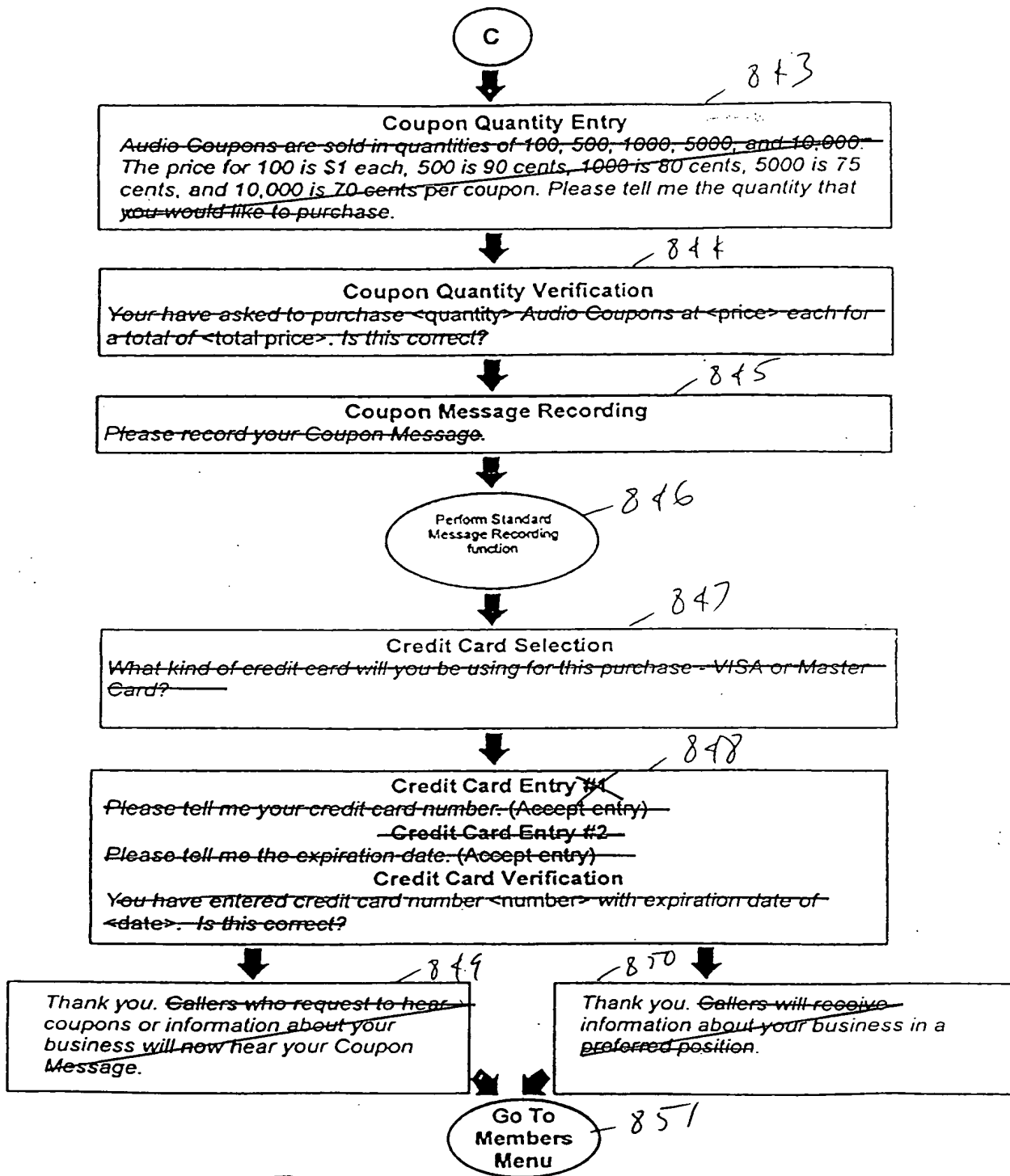
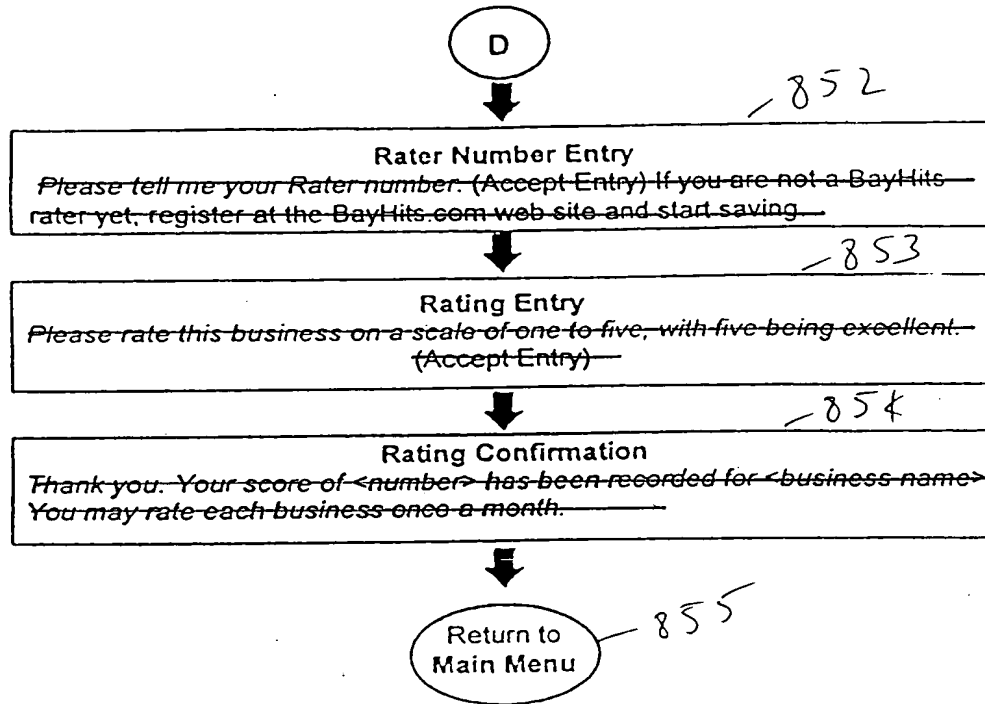


FIG. 7D

Accepted, 3 Feb 04 R. D. N.



Notes:

- 1) ~~In the demo software, no verification will be performed to insure that the Rater has only rated a particular business once a month.~~
- 2) ~~Rater Number will be a 5-digit numeric number.~~

FIG. 7E

Accepted-8766400

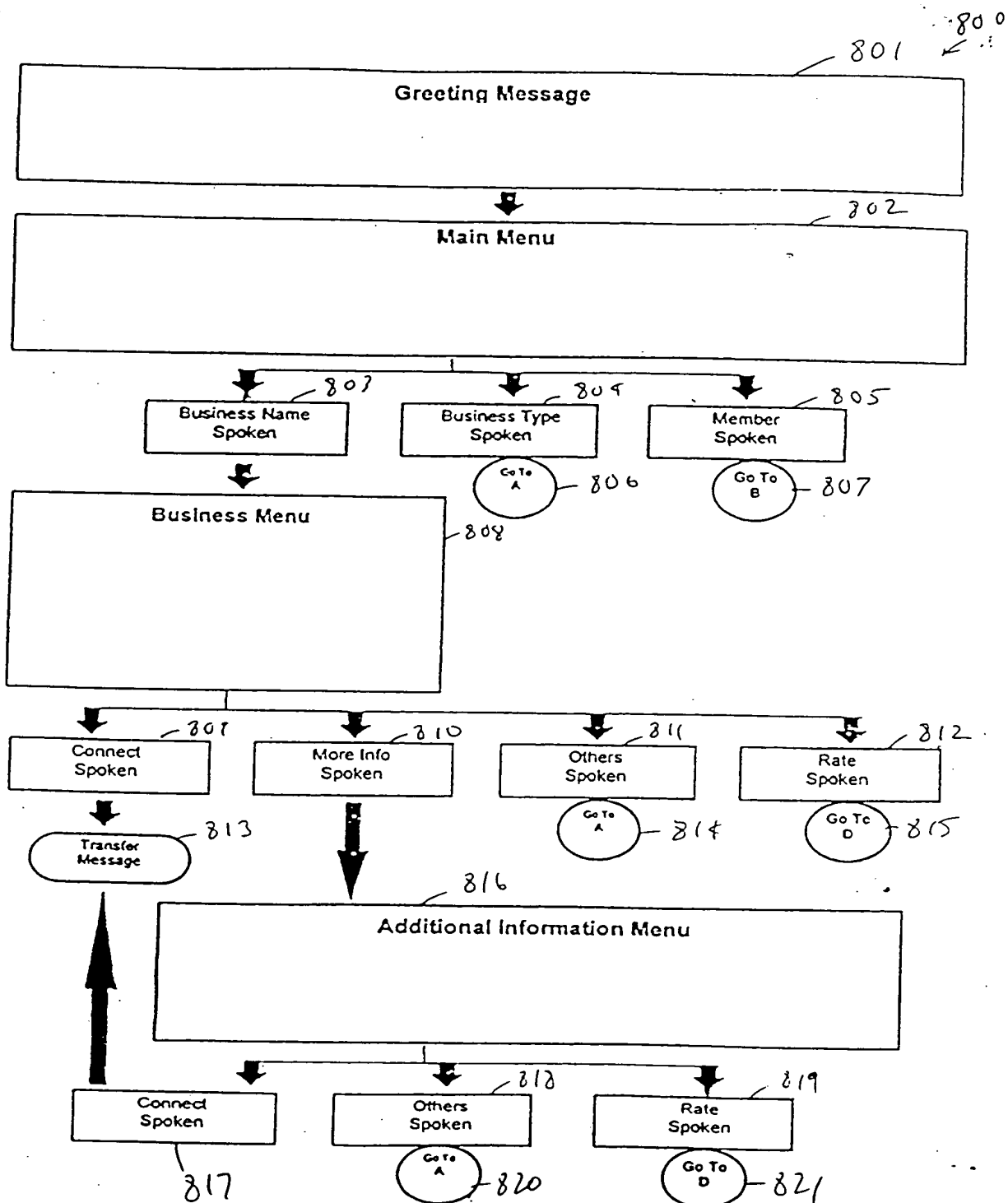


FIG. 7A

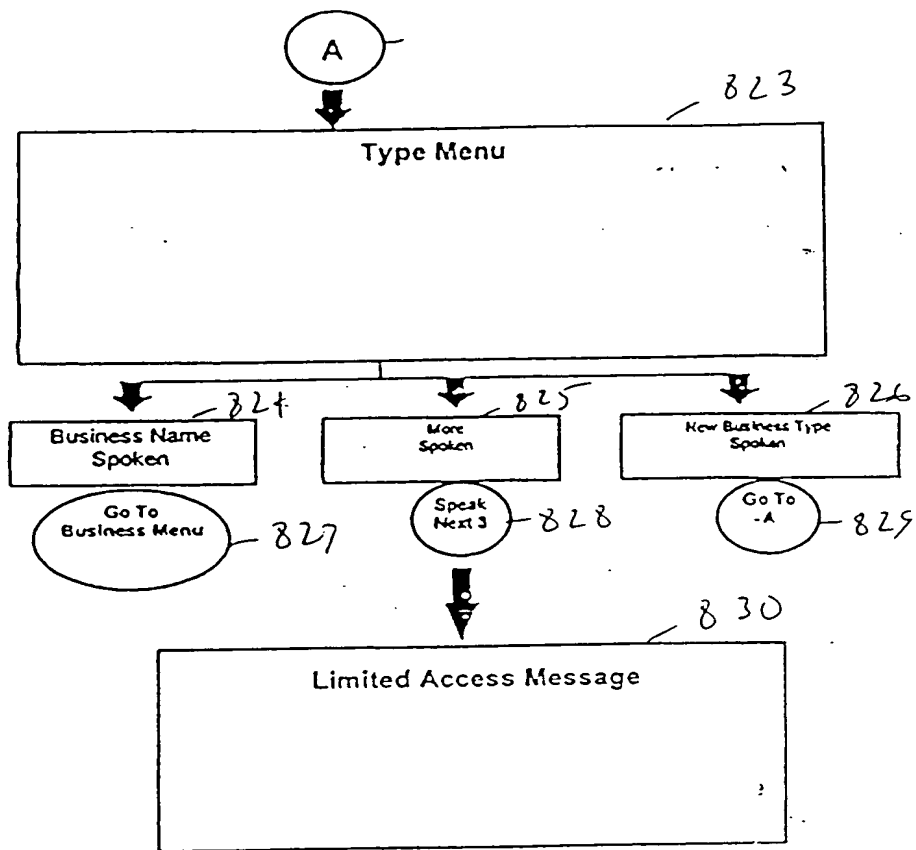


FIG. 7B

Accepted-13 Feb 64

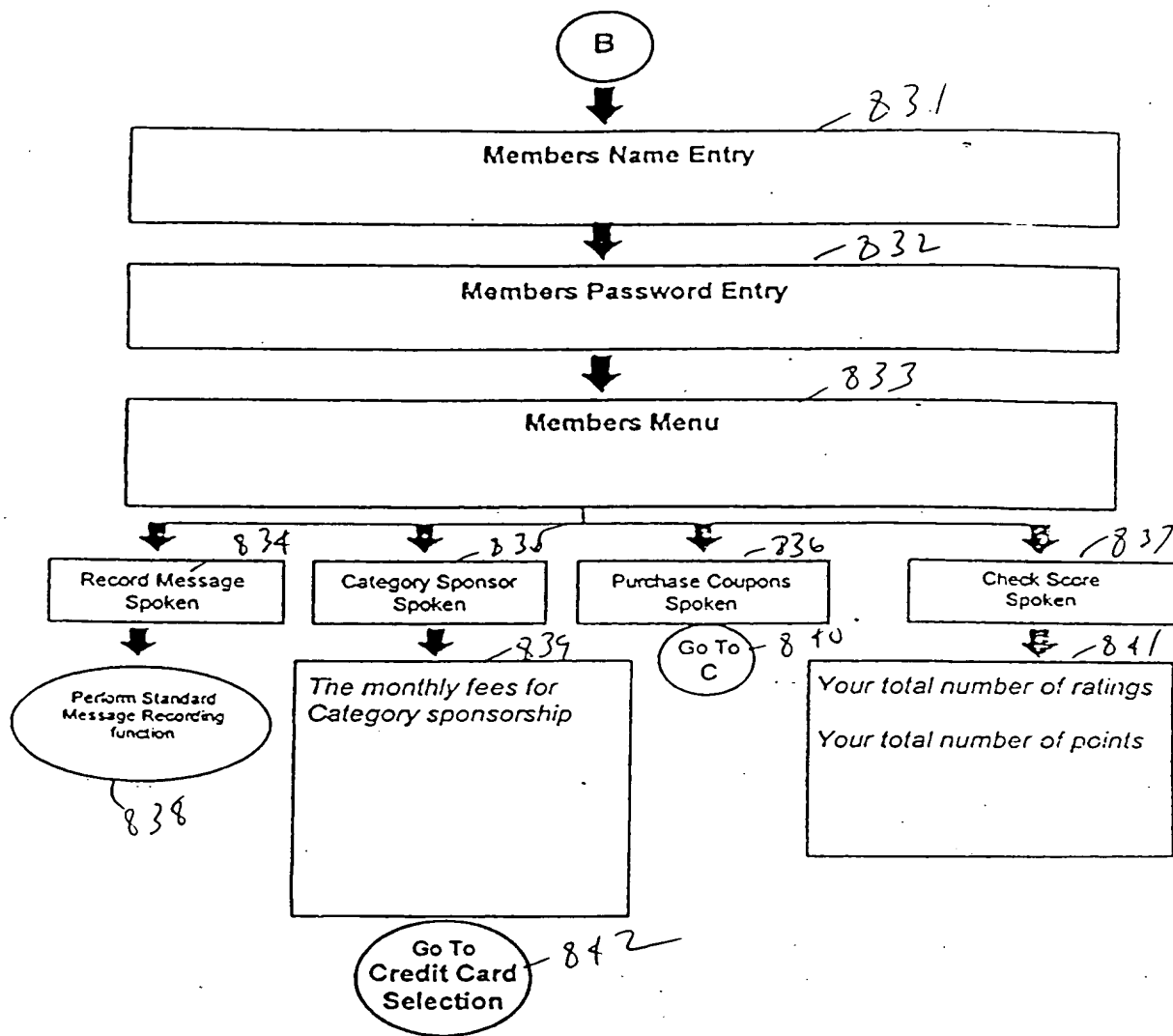


FIG. 7C

Accepted, Steb's, D. W. 22

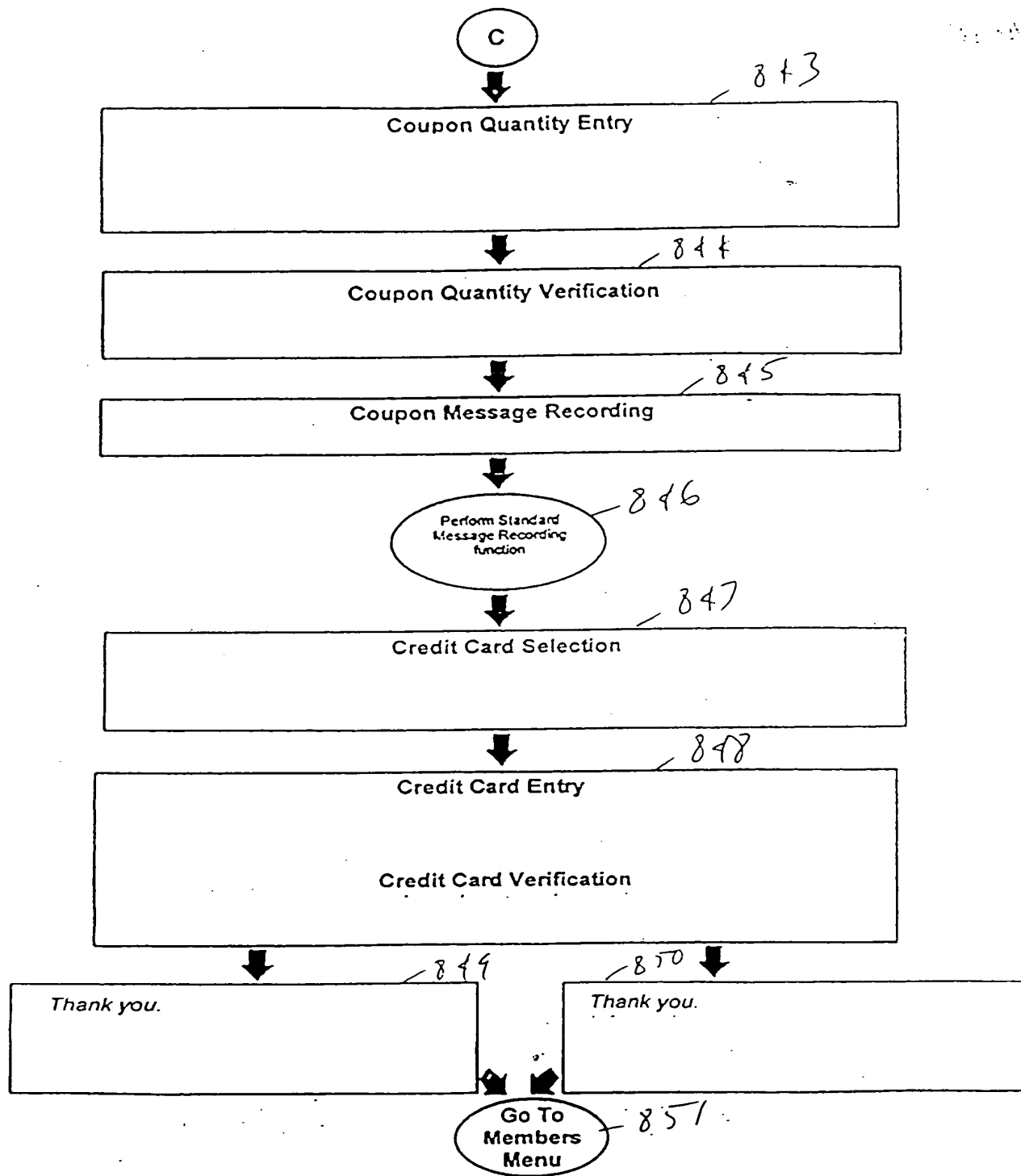


FIG. 7D

Accepted Q No. 13 Feb 04

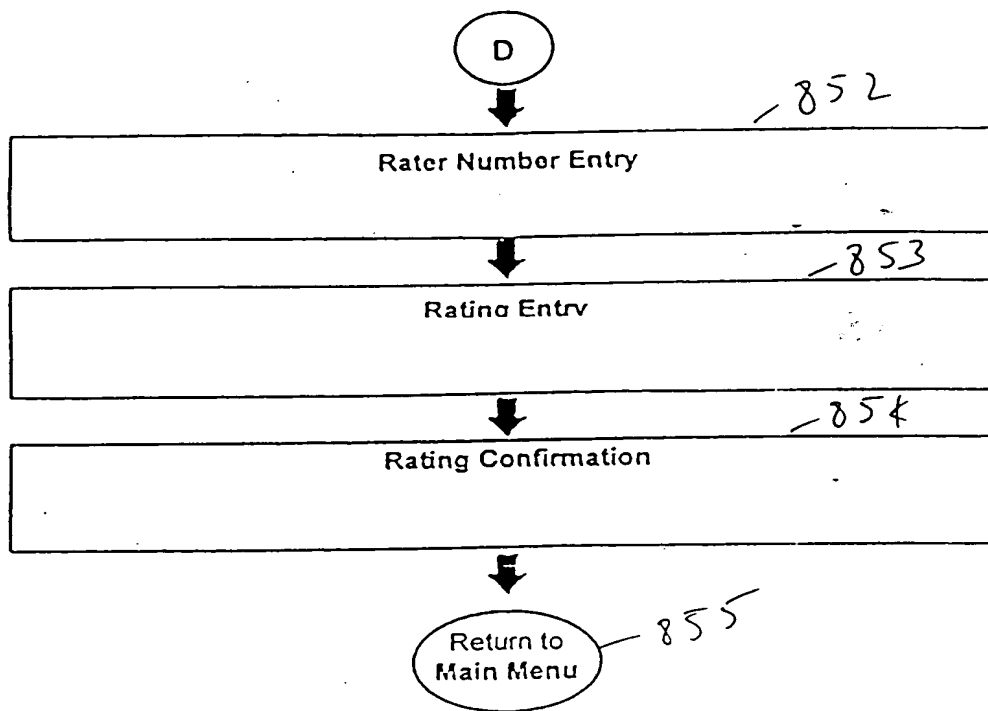


FIG. 7E

Accepted for publication